THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 17427 of 1997

Dated: 07.03.2007

Between:

M.Y. Barnabas

… Petitioner

AND

The Chairman & Managing Director,
The New India Assurance Company Limited,
New India Assurance Building, Mumbai
& others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 17427 of 1997

ORDER:-

This writ petition is filed for a Mandamus to direct the respondents to implement the reservations as per para 43 of the Promotion Policy of the respondent company by indicating and reserving the post of Assistant Administrative Officer separately to the categories of SC/ST by setting aside the promotions made so far in the respondent company to the post of Assistant Administrative Officer from the category of SCs/STs from the date of inception of promotion policy by declaring the circular issued by the respondents 1 and 2 in Circular No.HRM/Promotions/SMP dated 17.03.1997 and interviews conducted on 11.07.1997 as illegal, arbitrary and violative of para 43 of the Promotion Policy and contrary to Articles 14, 16 and 138 of the Constitution of India.

From a perusal of the writ petition, it is evident that the petitioner failed to make any of the promotees, whose promotions are challenged in this writ petition, as parties to the writ petition. Unless the promotions so far made without following the reservation under promotion policy are set aside, the petitioner will not get any relief. In the absence of the promotees being made parties to this writ petition, no relief can be granted to the

petitioner as that would be likely cause prejudice to the interest of the promotees.

In view of this, the writ petition filed without making the likely affected persons as parties is misconceived and is liable to be dismissed on this ground alone. Accordingly, the writ petition is dismissed. No costs.

However, liberty is given to the petitioner to file a fresh writ petition making the promotees as parties.

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C.V. NAGARJUNA REDDY, J

Date: 07.03.2007
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